

The text of this document is an accurate copy of what was filed by the initiative proponent with the Secretary of State for assignment of a serial number. The accuracy of code in amendatory sections has not been verified.

INITIATIVE 221

I, Ralph Munro, Secretary of State of the State of Washington and custodian of its seal, hereby certify that, according to the records on file in my office, the attached copy of Initiative Measure No. 221 to the Legislature is a true and correct copy as it was received by our office.

1 **AN ACT relating to the Office of State Inspector General;** adding a new
2 chapter to Title 43 RCW; reenacting and amending RCW 43.17.010;
3 amending RCW 43.17.020; and adding a new section to chapter 41.06 RCW.

4 *BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF WASHINGTON:*

5 **NEW SECTION.** Sec. 1. **Purpose-** It is the purpose of this chapter to
6 create a new oversight and supervisory agency to enforce honesty and
7 integrity in all facets of society.

8 **NEW SECTION.** Sec. 2. **Duties-** This agency shall be required to
9 investigate complaints of neglect, malfeasance or abuse by any
10 governmental agencies or employees, and to investigate and enforce fair
11 and ethical practices by anyone doing business in the State.

12 **NEW SECTION.** Sec. 3. **Definitions-** Unless the context clearly
13 requires otherwise, the definitions in this section shall apply
14 throughout this chapter:

- 15 (1) "Office," or "agency" or "department" refers to the Office
16 of State Inspector General;
17 (2) "General Public" refers to any person, group or entity not
18 affiliated with this agency;

(3) "Lay Individual" means anyone not affiliated with governmental, bar or police agencies, nor business or special interest proponents;

(4) "Unwary or helpless individuals" means those being cheated, abused, bullied, or exploited, or those whose lives or property are in jeopardy of unfair or unjustifiable disruption;

(5) "Fair and ethical practices" means that which does not cheat nor injure others;

(6) "Fairness and common sense" means that with which reasonable minds would concur and agree;

(7) "Reasonable minds" means fair, impartial and benevolent.

NEW SECTION. Sec. 4. Vestment of Powers- There is created an oversight agency in state government to be known as the Office of State Inspector General, to monitor and enforce honesty and ethics, and improve trustworthiness, reliability and accountability in governmental, societal and business practices. The Office is vested with all powers as are authorized by law, and the Legislature shall from time to time review agency structures and procedures towards improving operational effectiveness.

NEW SECTION. Sec. 6. Independence of Agency- (1) It is intended that the Office of State Inspector General, a civilian post, shall be a People's Advocate in guarding against fraud or abuse from any quarter. Recognizing that maintaining the independence and integrity of this agency is critical, it shall remain independent of social, capital or political interests; and care shall be taken to prevent undue influence over this agency by bar or police organizations, or any other vested interests who themselves might be subject to scrutiny by this agency. (2) In maintaining it's purely objective and benevolent mission, under no circumstances shall this agency exercise any police powers over the general public, nor shall it serve or be used as a vanguard for any particular social, capital or political interests or agendas.

NEW SECTION. Sec. 5. Funding- (1) The Office of State Inspector General shall be financed by: (a) the State General Fund; (b) and federal grants for which it qualifies; and (c) any gifts, grants or endowments it receives from public or private entities. (2) The Office shall be authorized to purchase facilities, equipment and supplies in the conducting of it's business, and to enter into contracts with

1 public or private entities for studies or other services. (3) The
2 Office shall undergo a complete annual audit, and shall publish an
3 annual report summarizing it's activities. (4) All files and reports
4 of this agency shall be available for public review, with the exception
5 of materials deemed confidential for good and justifiable cause, or
6 deemed classified for military purposes.

7 **NEW SECTION. Sec. 6. Oversight by Executive Committee-** An Executive
8 Committee shall be established to oversee agency operations, to approve
9 executive appointments within the agency, and to accept reconsideration
10 appeals from agency decisions. The Executive Committee shall be
11 comprised of six members, the majority of whom shall be lay
12 individuals, and the Legislature shall determine the manner in which
13 such members are to be selected and installed, and their terms, so as
14 best to assure integrity and continuity of mission.

15 **NEW SECTION. Sec. 7. Directorship-** (1) The administrative head of
16 the Office shall be the Director. Applicants for the position of
17 director of this agency shall undergo civil service examinations to
18 ascertain that they qualify to stand for election at large. (2) The
19 director shall be limited to a maximum of two four-year terms, and paid
20 a salary in accordance with RCW 43.03.040. (3) The director may be
21 dismissed mid-term for good cause by a recall of the electorate, and by
22 a court action instituted by the Attorney General. (4) Exercising
23 supervisory responsibilities over the agency, the Director may employ
24 such assistants and personnel as are deemed necessary for the general
25 administration of the Office, after consulting with and obtaining the
26 approval of the Executive Committee. The director shall appoint a
27 deputy director, an office personnel director, and such other assistant
28 or division directors as may be needed to administer the office. This
29 employment shall be in accordance with State Civil Service law, Chapter
30 41.06, except as otherwise provided. (5) The deputy director shall
31 have charge and general supervision of the Office in the absence or
32 disability of the Director and, in case of vacancy in the office, the
33 deputy director shall continue in charge of the Office until a
34 successor is qualified and appointed.

35 **NEW SECTION. Sec. 8. Volunteers-** The director may enlist the
36 assistance of qualified volunteers from the public sector as provided
37 by State Internship codes. *Provided*, that those applying as volunteers
38 with this agency, be they law students, police cadets, or any others,

1 shall undergo the same rigorous qualifying examinations as those
2 appointed to full-time staff.

3 **NEW SECTION. Sec. 9. Consulting Committees-** (1) The Office may
4 appoint state-wide committees or councils on such matters as come
5 within the Office's responsibilities. Such committees and councils
6 shall have substantial consumer representation, and may be paid travel
7 expenses in accordance with RCW 43.03.050 and RCW 43.03.060, or per
8 diem allowances as circumstances require. (2) The Office may also
9 appoint such committees and councils as may be required by federal
10 legislation as a condition to receipt of federal funds for the Office.

11 **NEW SECTION. Sec. 10. Grounds for Removal-** (1) The Director shall be
12 responsible for the official acts of all agency personnel under his
13 direction. (2) Recognizing that a cross section of the populace would
14 likely yield a certain percentage of individuals who are abusive,
15 devious or dishonest, or otherwise unbalanced, dysfunctional or
16 potentially dangerous in their dealings with the public, this agency
17 shall appoint only those individuals of the highest integrity and
18 dedication. All appointments within this agency shall be with an eye
19 to competency and dedication, rather than to filling any enforced or
20 artificial quota system. All prospective personnel in this agency
21 shall undergo intelligence and psychological testing to ascertain basic
22 sanity, reasoning powers, and moral stability, and to uncover any
23 personal biases or agenda they might harbor. (3) To maintain a stable
24 and reliable workforce, periodic counseling shall be available for
25 personnel who may be experiencing difficulties in their personal lives,
26 and temporary reassignment to less-taxing decision making duties should
27 be available for those who may be having difficulty coping. (4) The
28 agency shall have procedures for reviewing complaints of abuse or
29 remiss by agency personnel, or any unreasonable or malevolent
30 attitudes. A Board of Supervisors shall be established to advise
31 personnel, randomly examine files, and otherwise assure that cases are
32 being handled in a proper, professional, and timely manner. (5) Any
33 neglect, abuse, or betrayal of the public trust shall be grounds for
34 immediate suspension or dismissal per state personnel processes, and/or
35 criminal prosecution under RCW 43.01.125, or any other applicable
36 statutes. (6) Personnel at any level may be subject to recall by an
37 informed electorate; *Provided*, that pursuant to Constitutional
38 provisions against reckless or irresponsible abuse of speech, any
39 reports which appear misleading, malicious or libelous and designed to

1 merely embarrass, harass or intimidate any personnel of this agency may
2 be viewed as media assault, and this agency may seek equal time and
3 space to rebut unfounded allegations.

4 **NEW SECTION.** Sec. 11. **Authority to Conduct Hearings-** (1) While
5 efforts shall be made to resolve complaints quickly and amicably, this
6 agency shall have authority to gather, evaluate and decide facts
7 through a hearings process. The agency shall have authority to issue
8 subpoenas, convene and conduct hearings, take testimony and exhibits,
9 and issue Findings of Facts and Decisions. (2) The Office of State
10 Inspector General shall determine the time, manner, locale and format
11 of any particular hearing. Hearings shall be convened at a location
12 convenient to the parties, whenever practical. Municipalities may be
13 requested to provide hearing facilities, if needed. (3) A Hearings
14 Handbook shall be provided to all parties, and hearings rules shall be
15 simple and concise, easily understood and applied by anyone, and devoid
16 of legal jargon or obscure legal principles. (4) The agency may
17 appoint volunteer personnel to mute, inarticulate or non-lingual
18 individuals needing assistance. (5) The Office shall assign an
19 Administrative Law Judge to preside over hearings, and issue Findings
20 of Fact and Decision. (6) Court Reporters may be present to transcribe
21 proceedings, but in any cases all hearings shall be carefully audio or
22 video recorded to assure completely accurate transcripts of
23 proceedings. (7) Hearings shall be convened within 60 days of a
24 complaints' receipt, and shall be decided within 60 days thereafter.
25 Any case unresolved within that period may be remanded to an office of
26 special counsel for further proceedings, or court action. The reasons
27 for any such delay shall be specified. (8) In those rare instances
28 where a completely fair and just decision is difficult or impossible
29 based on the facts, the Hearings Examiner shall state the facts and
30 basis for such, and the case may be remanded to a panel of judges for
31 a compromise decision, at the discretion of the Office. (9) Any
32 appeals for reconsideration from a decision shall be directed to a
33 Review Board, which may amend a decision in the interests of fairness.
34 (10) The 'adversarial' system of justice at play in most court settings
35 appears to allow lawyers to lie misrepresent facts or factors, or
36 otherwise harm innocent parties whenever convenient to prevail. Such
37 practices shall not be tolerated by this agency. Anyone whomsoever
38 found to be lying, falsifying or misrepresenting any fact or issue
39 before a hearing by this agency shall be remanded for prosecution by
40 the Attorney General for felonious deception. (11) All decisions by

1 this agency shall be based strictly on fairness and common sense as
2 might be reached by any reasonable minds, and shall be decided on a
3 case-by-case basis rather than on any precedent. All agency decisions
4 shall include a full explanation of the facts and basis of the
5 decision.

6 **NEW SECTION. Sec. 12. Authority to Rectify Wrongdoing-** (1) The
7 Office shall have authority to rectify wrongdoing or deficiencies
8 deemed to be harmful or disruptive to the general public, or any
9 innocent, helpless, or unwary parties, and may do any of the following
10 to rectify cases satisfactorily: (a) issue cease and desist warnings,
11 (b) require some form of corrective action or restitution, (c) work
12 with the Department of Licensing, or another relevant agency, in
13 compelling adherence, and (d) issue fines for wrongdoing, or any
14 willful disregard of it's injunctions. (2) The Office shall have
15 authority to levy fines for wrongdoing in the amount of \$10. per day
16 against individuals, \$25 per day against businesses or those acting on
17 behalf of businesses, and up to \$1,000. per day against governmental
18 agencies or bodies. (3) In cases of delinquent or unpaid fines, the
19 Office may apply liens against the personal or business property of
20 intentional transgressors, or liens converted to judgments against the
21 wages or future earnings of wrongdoers. (4) While not intended to levy
22 damage awards or criminal penalties for negligent or intentional
23 injurious practices as might be ascertained through civil or criminal
24 proceedings in a court of law, this agency may work with the courts in
25 securing injunctions against personally harmful or abusive practices,
26 and shall in all cases support injured parties against obdurate parties
27 in any court proceedings to whatever extent possible. (5) Injunctions
28 sought by this agency shall be at the District Court level where
29 applicable, and any court actions by this agency shall take precedence
30 over all other cases, and be decided promptly.

31 **NEW SECTION. Sec. 13. Authority to Intercede Upon or Act to Revise**
32 **Agency Actions or Decisions-** (1) The agency may review complaints of
33 abuse or unfairness by any governmental action, and shall act to
34 revise, amend or overturn any action deemed to be unfair, harmful or
35 unjust. Where life or property are in imminent jeopardy of unfair or
36 unjustifiable disruption, this agency shall have authority to seek
37 injunctions towards suspending any departmental order pending review by
38 this agency; and thereafter to revise, amend or overturn any action
39 deemed to be petty, overly burdensome or cruel. (2) This agency shall

1 have prompt and ready access to all public offices, facilities and
2 records, and public employee cooperation with this agency shall be
3 mandatory. It shall be unlawful for any public employee to fail to
4 report known abuses by another. (3) In cases of alleged misconduct or
5 malfeasance by executive or legislative officials, the Office shall
6 have authority to submit prima facie evidence to a judicial panel
7 convened for the purpose, and investigations shall proceed upon warrant
8 of probable cause and merit. (4) While having authority to fine, fire
9 or recommend the arrest of any public employee for malfeasance or
10 crimes, this responsibility shall not extend to federal personnel
11 operating in the state, except to notify federal agencies of reports,
12 and thereafter seek to enjoin such activities.

13 **NEW SECTION. Sec. 14. Judicial Performance Not Exempt from Review-**
14 (1) The concept of checks and balances being crucial to a democracy
15 which serves it's people, the independence of judges does not imply
16 that they should be unaccountable for ineptness, abuses or crimes in
17 office. The judiciary being a branch of government, any incorrect or
18 unjust decision is an act of the United States Government, itself.
19 Abuse of judicial office being unacceptable and akin to fraud, judicial
20 performance shall not be exempt from review by this agency. (2)
21 Americans have a right to demand that justice be mandatory in their
22 courts, and there should be no statutory time limits on the
23 Constitutional right to due process. This agency shall accept
24 complaints of judicial neglect or abuse, and shall be authorized to
25 review court decisions deemed to be contrary to fairness and common
26 sense. (3) The Legislature shall establish processes to reactivate
27 cases reflecting other than fairness and common sense, and the Office
28 shall work through the courts to revise, amend or overturn unjust
29 decisions (4) To facilitate review of court cases, this agency may
30 enlist the assistance of volunteer shut-ins from the public sector,
31 such as the elderly, infirm or incarcerated, who are otherwise
32 competent and qualified. (5) Any certifiable findings of judicial
33 neglect or abuse, such as disrespectfulness towards litigants, bias
34 constituting obstruction of justice, deliberate evasion or
35 misconstruance of facts leading to decisions reflecting other than
36 fairness and common sense, or chronic bad decisions requiring appeal,
37 shall be reported to appropriate venues with recommendations for
38 reprimand or censure. (6) Should it subsequently be devised that a
39 Sentencing Authority will assign defendants, rather than individual
40 judges or prosecutors who may be less expert at corrections, this

1 agency shall assist in examining facts and factors towards best
2 placement, from the standpoint of safety and rehabilitation in those
3 facilities.

4 **NEW SECTION. Sec. 15. Filing Complaints-** (1) Complaints filed with
5 this agency shall be submitted in writing, and the agency may require
6 a Sworn Affidavit from complainants attesting to the accuracy and
7 truthfulness of their allegations, for hearings and examinations to
8 proceed. The agency may, at it's discretion, accept anonymous
9 complaints, when circumstances warrant. (2) It being conceivable that
10 frivolous, deceitful or malicious complaints might be filed by petty,
11 spiteful or troublesome individuals merely for the sake of harassment
12 or obstruction, the agency may require doubtful or suspect complainants
13 to post a bond, or submit to a polygraph examination, for hearings to
14 convene. (3) It shall be unlawful for anyone to retaliate against any
15 complainant filing a grievance with this agency, but by the same token,
16 obviously frivolous complaints shall be prosecutable under harassment
17 statutes.

18 **NEW SECTION. Sec. 16. Appeals-** (1) Anyone aggrieved by any action of
19 this agency may appeal to state court, or any federal agency having
20 monitoring jurisdiction over state agencies. *Provided*, that appellants
21 post any required bond pertinent to the filing of such appeals. (2)
22 Any appeals to other agencies notwithstanding, any decision or orders
23 instituted by this agency shall remain in effect until such time as
24 they might be overturned on review. (3) Should the federal government
25 subsequently establish a Federal Judge Advocate agency specific to such
26 appeals, appeals shall be directed to that agency.

27 **NEW SECTION. Sec. 17. Competency Tests, Performance Bonds-** (1)
28 Should it subsequently be required by law that all public employees
29 dealing with or affecting the public must carry a performance bond
30 against intentional misconduct which harms the public, this agency may
31 conduct investigations to determine culpability and extent of damages,
32 and shall thenupon assist injured parties in any court action to order
33 restitution from the bond surety. (2) And should it subsequently be
34 required by law that prospective voters or jurors should undergo
35 psychological or intelligence testing to ascertain basic sanity,
36 reasoning powers, moral stability and any biases they might harbor,
37 this agency shall assist in conducting tests, compiling results and
38 disseminating recommendations.

1 NEW SECTION. Sec. 18. **Proposed Legislations by Agency to Correct**
2 **Dangerous and Wide-Spread Violations-** (1) To maintain it's impartial
3 viewpoint, this agency is not intended act as a vanguard for any
4 particular social causes. However, it can and should act to protect
5 against wide-spread fraud or any dangerous conditions it finds in the
6 course of it's work. To this extent it could, at it's own discretion,
7 forward proposed legislations towards preventing abuses. (2) The
8 public shall be notified of any such proposed legislations by this
9 agency, and be afforded opportunities to register well-founded views on
10 each. The public may also challenge any such proposed legislations in
11 state court during their review period. (3) Should it subsequently be
12 required by law that any governing or legislative body must first
13 present proposed legislations that affect the public to this Office to
14 ascertain Constitutional muster before they are voted on, this agency
15 may publish a commentary on how such proposed bills benefit, or fail to
16 benefit, the public.

17 **NEW SECTION.** Sec. 19. A new section is added to Chapter 41.06 RCW to
18 read as follows: ‡The Civil Service provisions of this chapter shall
19 not apply in the Office of State Inspector General to the director, the
20 deputy director, or any assistant or division directors, and one
21 confidential secretary for each of these officers.

22 NEW SECTION. Sec. 20. RCW 43.17.010 and 1993 SP,S C 2 S 16, 1993 C
23 472 S 17, and 1993C 280 S 18 are each reenacted and amended to read as
24 follows: There shall be departments of the state government which
25 shall be known as (1) the department of social and health services, (2)
26 the department of ecology, (3) the department of labor and industries,
27 (4) the department of agriculture, (5) the department of fish and
28 wildlife, (6) the department of transportation, (7) the department of
29 licensing, (8) the department of general administration, (9) the
30 department of community trade, and community development, (10) the
31 department of veterans affairs, (11) the department of revenue, (12)
32 the department of retirement systems, (13) the department of
33 corrections, (14) the department of health, ((and)) (15) the department
34 of financial institutions, which shall be charged with the execution,
35 enforcement, and administration of such laws, and invested with such
36 powers and required to perform such duties, as the legislature may
37 provide, and (16) the office of state inspector general.

1 **NEW SECTION.** Sec. 21 RCW 43.17.020 and 1995 1st sp. s. c2s2
2 (Referendum Bill No. 45 are each amended as follows: There shall be a
3 chief executive officer of each department to be known as: (1) the
4 secretary of social and health services, (2) the director of ecology,
5 (3) the director of labor and industries, (4) the director of
6 agriculture, (5) the director of fish and wildlife, (6) the secretary
7 of transportation, (7) the director of licensing, (8) the director of
8 general administration, (9) the director of community trade, and
9 community development, (10) the director of veterans affairs, (11) the
10 director of revenue, (12) the director of retirement systems, (13) the
11 secretary of corrections, (14) the secretary of health, ((and)) (15)
12 the director of financial institutions, **and (16) the director of the**
13 **office of state inspector general.**

14 Such officers, except the secretary of transportation, the director of
15 fish and wildlife, and the director of the office of state inspector
16 general, shall be appointed by the Governor, with the consent of the
17 Senate, and hold office at the pleasure of the Governor. The secretary
18 of transportation shall be appointed by the transportation commission
19 as prescribed by RCW 47.01.041. The director of fish and wildlife
20 shall be appointed by the fish and wildlife commission, as prescribed
21 by RCW 77.04.055. **And the director of the office of state inspector**
22 **general would be elected at large in special and general elections.**

23 **NEW SECTION.** Sec. 22. Sections 1 through 18 of this act shall
24 constitute a new chapter in Title 43 RCW.

25 **NEW SECTION.** Sec. 23. **Severability-** Should any section, subsection,
26 paragraph, clause, phrase, sentence or word of this act be declared
27 unconstitutional or invalid for any reason, such decision shall not
28 effect the validity or enactment of the remaining portions of the
29 chapter.